



# INTERVENE

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# Assimilation by Incarceration

## A Response to the Northern Territory Government's Plan to Erase Aboriginal Disadvantage

by Glen Dooley\*

The NT government's response is fundamentally undermined by its heavy handed law and order component. 12 new "bush" police stations manned by 40 new officers together with 70 new "FACS" staff will culminate in even more Aboriginal people being gaoled and more Aboriginal children taken from their families. This result is inevitable, it is known to government and it amounts to an attempt to lead Aboriginal people into the "mainstream" via prison, detention and foster care.

### The origin of Brough stuff

Bad timing. Bloody bad timing. Mal Brough comes to the NT in 2006 for a bit of a radar and when in Port Keats he witnesses one of the pantomime "riots" between the Judas Priest and the Evil Warriors. Two so called gangs throwing bamboo sticks at each other in one of those clashes that miraculously leave little or no injury to anybody. A little bit scary I suppose, as the men and boys of two traditionally fractious clans face off, but a far cry from serious rioting leaving buildings smoking and people dead or badly maimed. Mal, wanting inspiration, jumps to the conclusion that a bit of old fashioned law and order is needed before any of the critical infusions of health, housing and education can take place. "What's the use of building a school if no one goes because every one is terrified?" Mal muses. In Mal's mind Port Keats is a war zone. So what is to be done? Deal with this as we deal with other war zones – send in the troops. Mal, on the same trip, goes to the Tiwi Islands, spots the more Western hamlet-like front of Nguiu and declares this must be the place where the youth of Port Keats should be sent to get clued in on how to live a life. Of course he knows nothing of the suicide rate on the Tiwi Islands.

"The Age" amongst other big city papers gets on to these Port Keats "riots" and courtesy of a few

hammered up shots of young Port Keats blokes putting on their best warrior faces, the image of the bad, mad blacks up north is seared into the minds of Mr and Mrs Box Hill (My mum told me that she thought those men looked "very dangerous").

Then came the unsubstantiated speculation about high levels of child sexual abuse amongst Aboriginal people. Publicity tended to reinforce the notion that this sexual abuse was mainly perpetrated by elderly Aboriginal males using traditional lore and culture both as a means to effect such abuse and a means to deflect investigation. Then came Professor Marcia Langton, adding to her critique of the manner in which Aboriginal men have been prosecuted for the crime of murder in the NT the suggestion that as a result of the perceived laxity of the prosecuting authorities, "serial killers" were loose in the NT bush.

By mid 2007, an Average Aussie Battler (AAB) could have been excused in thinking that hell on earth had been discovered and it had shattered and been scattered over the NT.

This bad timing (building on the attitudes developed in this country toward Aboriginal people by non-Aboriginal people from 1788) has skewed the entire intervention, both Federal and

Territory dimensions. The issue underlying child abuse, child neglect, all forms of violence on the communities and in town camps is poverty. Boring huh? But that's it. So how does Government get some political mileage out of addressing poverty? Turn it into addressing

child sexual abuse, warring gangs of demented heavy metal fans, permanently pissed parents and killers on the loose. This means we pour money into police, police stations, associated investigators and the military. Thus the AAB gets to thinking "Well, this time my hard earned tax dollars will not be wasted by self-destructive Aboriginals. A good taste of the lash will keep 'em in line and we'll make some progress". Of course the AAB is not told that the large amounts

**in the NT  
1 out of 23  
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behind bars**

of money spent per capita to provide basic amenities in the bush is in fact less than the amounts spent per capita to maintain those same basic amenities in the towns and cities. Of course the AAB is entirely convinced that lawlessness is rife in the NT and that Aboriginal culture not only condones destruction of life, limb and material goods but it promotes it in some instances. Thus Government, some members of which know a lot better, sharpen their "emergency interventions" and "indigenous generational plans of action" with punitive measures. More police, more police stations. More law and order.

**the NT's imprisonment  
rate is almost  
FOUR TIMES  
the national average**

15,000 adult Aboriginal males in the NT providing 657 prisoners and 15,000 adult Aboriginal females in the NT providing 31 prisoners. The outcome is there is one in every 23 adult Aboriginal males is in gaol at any given moment. By contrast, the non-Aboriginal female population of the NT, conservatively numbering 35,000 provides 8 prisoners on average in each day's NT prison population – that is one in every 4,375. As for non-Aboriginal men, one in every 240 of them is behind prison bars each day. The NT Aboriginal man is incarcerated at ten times the rate of his non-Aboriginal brother.

Unfortunately the perceived political mileage that the Federal Government has made from this law and order approach has proved irresistible to the NT Government.

### **Law and order in the NT**

Law and order in the NT has been done to death. For generations the Aboriginal people of the NT have been (in the early days of whitefella domination) killed, chained, imprisoned and whipped and (in the latter days) imprisoned, fined, detained, forced to work like it is going out of style. I focus on the Aboriginal people of the NT because that is the group that has borne the brunt of the heavy handed approach to law and order up here.

### **The NT's Incarceration of Aboriginal people**

Over January, February and March of 2007 there was a daily average of 841 prisoners in the two Territory gaols. Of these prisoners, 688 were Aboriginal, 153 not. 841 persons in gaol each day out of a total population of 205,000. A per capita rate of imprisonment nearly *four times* the national average. Of the NT's 205,000 people, 60,000 are Indigenous. 60,000 people of which 688 are in gaol. But gaol is only for persons aged over 18. Over half the Aboriginal population in the NT is under 18, but for the purposes of this analysis we'll call it half, that is there are 30,000 adult Aboriginal people in the NT providing 688 prisoners. But there is more.

Of the 688 Aboriginal prisoners in gaol each day, 657 are male and 31 female. So we have the

But there is even more. This figure of 1 in 23 adult Aboriginal men in prison at any given moment does not count the Aboriginal men on bail, on parole, subject to supervision by Correctional Services, performing supervised community service work and on home detention at the same moment. One also thinks of the number of Aboriginal men, not presently incarcerated, that have had an experience of gaol. I can only guess how many adult Aboriginal males are under the law and order pump up here on a daily basis but it is a lot and I hope I've made the point that this form of trying to assail the behavioural problems here in the NT is an over worked dog. Particularly considering that the Australia-wide crime statistics show that the NT, apart from unlawful killings, is not the worst state or territory for crime.

Law and order is totally out of whack in the NT. We lock people up to excess. Partially because we don't spend money on alternatives. Partially because we think gaol is a better place for some of the villains than their home communities. Partially because the justice system cannot communicate with its most habitual users due to language difficulties – we use the big stick of gaol to "communicate" deterrence because the language barrier prevents use of subtleties. Partially because many Aboriginal people (or their families on their behalf) confess to crimes in circumstances where people savvy in the ways of whitefella law would not. Partially because Aboriginal people in the NT often commit crime very publicly. Partially because, already, Aboriginal people in the remote areas of the NT are over policed. Partially because the old staple



of "driving whilst black" is rigorously policed in the NT.

### **"Driving whilst black"**

This driving business. The most recent statistics are from the financial year 2005-2006. In that period there were 476 gaol sentences handed out for driving offences (drink driving and drive disqualified). Of those sentences 467 were handed out to Aboriginal people. Thus 22% of the gaol sentences handed out in that year to Aboriginal people arose from driving offences. Only one category was more significant. 44% of the gaol terms handed out to Aboriginal people arose from assaults. The next category down was property offences at 12%. Interesting stats ... of the 2356 gaol sentences handed down by Territory Courts in 2005-2006, 2093 were awarded to Aboriginal people.

I am reminded of the announcements you hear over the public address system at the Darwin Sailing Club when a member becomes aware of a nearby booze bus. The Sailing Club members soon have an idea of where not to drive after a few bevies. I also note the number of times Aboriginal people are charged after "on the spot" breath tests – code for "driving whilst black". These are tests conducted by police on a whim, not stationary booze buses which catch all drivers.

So, 467 gaol terms for driving offences for Indigenous people. 9 for non-Indigenous people. Read on ...

### **NT Courts, and police prosecutions**

A word on the Territory Courts. Are they really stocked with hard nosed beaks sentencing on the colour of an offender's skin? My answer is no. The NT Courts deal with what is served up to them by the police via the prosecutors.

It is decisions taken by senior police as to where police will be stationed, which people those police on the ground choose to police and of those persons they police, which they choose to charge that is vital.

Also we cannot ignore the role of the members of the public. Who does the average Joe choose to

lay a complaint about? I will never forget being told the facts of an event a year or two ago here in Darwin. 4 or 5 non-Aboriginal youths (all around 16 / 17) were in the Vic Hotel, late at night and in various states of intoxication. One or more of these lads decided to break into a storeroom and steal large catering size bottles of spirits (you know those big bottles they turn upside down to draw from over the bar). This

group grabbed a few bottles and headed for the door. One or two bottles were dropped and smashed.

The hotel security were on the job. One of the boys offered to pay for the broken stock immediately from his handy-bank account. He was given that opportunity and immediate restitution resulted in no action being taken. I've often wondered what fate would have befallen 4 or 5 visiting Port Keats Aboriginal males, not too well off in terms of money in a nearby "hole in the wall", in the same circumstances.

### **The Federal Government intervention**

The target of this paper is really the NT Government response. Other speakers at the rally (held 15 September 2007, Raintree Park Darwin) will truly enlighten you on the Federal Government measures.

I can only lament the stripping away of the hard won Land Rights, the basis of self-determination and cultural survival and renewal. Stripped away by opportunist politicians with no more thought than what might save an ailing Government in the lead up to an election.

### **The NT government response**

In short it appears that the NT Government has \$400 million at this point in time to fund its approach. \$130 million is to be for police and Family and Children's Services. \$270 million on the real stuff – housing, health and education. My view is that the misspending of the \$130 million will undermine the use of the \$270 million. Families broken up by gaol terms and foster care will not be receptive to positive measures

**NT gaol sentences for driving offences**  
**Non-Aboriginal people: 9**  
**Aboriginal people: 467**

The spending of that \$130 million is what really concerns me.

**The Police: \$38 million = 12 new bush Police stations + 40 new bush based Police.**

In light of the prison statistics, I question the need for more police. I question the need for 12 new bush police stations. Putting 12 new stations out in the bush, in places that the NT police themselves have not previously agitated for their presence, is dynamite. It is turning all but Darwin and Palmerston into a police state. It will add significantly to the already deplorable state of the over imprisonment of Aboriginal people in the NT. 40 more police officers to lay heaps more Traffic Act charges and other charges of middling and minor standing. 40 more police officers to bring DVO applications – minefields in which couples that re-unite prior to having the order withdrawn run the risk of prosecution merely for being together. Prosecutions that lead to the mandatory minimum 7 days gaol for second and subsequent offences.

Police are not health workers, teachers, social workers, youth workers or the like. They like to clothe themselves in like garb from time to time but they don't prevent crime. They mop up afterwards. Police have a role to play but the role is being vastly over played here. Don't forget that each police station is built with two extra houses for the officers. Usually elevated homes surrounded by 8 foot razor wire topped fences. To be built in communities desperate for housing.

These stations should not be built. Outside of Darwin, Katherine, Nhulunbuy, Tennant Creek, Humpty Doo and Palmerston the NT already has 31 bush police / small town stations. Stations from which visits are made to smaller places. Crime does happen in places the stations already exist, try Port Keats! 12 new stations will simply result in the heaping of more small and middle level charges into an already overworked court system.

More money will need to be spent on running bush courts in the current bush court locations and newly formed courts. More prisoners will have to be housed in bigger gaols. Already the NT Government is confronted with having to build a new prison in Darwin to increase capacity and improve conditions. Millions of dollars will be spent on all of this, money much better spent

meeting the needs of the poverty stricken people of outback NT. My argument is that if we address the poverty and improve the facilities out bush we will really lower the crime rate, particularly the rate of violent crime.

Of course, added to this NT Government provision for extra police, comes John Howard's posse of 70 or so interstate police to add fuel to the fire. Alarming in the extreme.

Putting more and more Aboriginal people into gaol results only in forced assimilation. People, removed from their culture, land and language will further lose their way. I note the recently built division out at Berrimah gaol, the "LSU". I initially thought it meant "Low Security Unit" but I was corrected by a client who told me he was now going to serve his time in the "Life Skills Unit"! That is what it is called. What spin! "Life Skills Unit"? Whose life skills? Aboriginal people being skilled in whitefella culture. The shining path to the mainstream. How many "Life Skills Units" will we end up with before the job is done?

**Family and Children's Services (FACS): \$79 million**

Here we get 70 more FACS workers. 23 "specialist" Child Abuse Task Force workers. 37 "additional specialist" FACS staff. 10 additional child protection workers.

I have had little in the way of direct dealings with FACS in my work but I can say that experience has led me to take the view that FACS intervention in an Aboriginal family is often hugely traumatic. From what I can see the current level of FACS operations in the NT is already leading to interventions and attempted interventions in families of mild, little or merely suggested dysfunction. I shudder to think to what extent Aboriginal families in the NT will be worked over by FACS workers in the next few years. The immediate anguish and long term destructive effects of these interventions will rival the fall out from the Stolen Generation. Another dimension to the overall goal of assimilation by force. ☹

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## Kava is my Brother?

A group of Aboriginal communities in north eastern Arnhem Land have had a licensed kava operation going over the last few years. The people of these communities are culturally and linguistically distinct and refer to themselves as 'Yolngu' meaning 'people'. This enterprise has just been banned by a Federal govt edict. The reasons given for this ban are given as being in line with the Howard/Brough 'Intervention' to address child abuse in remote NT Aboriginal communities.

While the evidence concerning alcohol and misuse of other substances in community violence and abusive behaviour is clear, well researched, documented and presented; the link between kava and dysfunctional and antisocial behaviour is far less clear. Within the Indigenous communities in the areas where licensed kava sales took place, opinion is split over the use of kava and the relative merits and effects it has on the local social issues. There are some known health effects, however these are not fully conclusive but it is likely over-use causes ill health and lethargy. No link has been established between kava and violent or abusive behaviour.

*I have drunk Kava in my early teens with south pacific ex pats and Polynesian teenagers in NSW. I found it pleasant, but far more attractive to me were my well understood and shared cultural practises of drinking cask wine around a campfire on the beach playing cold chisel songs badly accompanied by a old guitar or two.*

Kava first came to Arnhem Land decades ago through a south Pacific connection to the Christian church. In the 'Mission days' mission workers from Polynesia, who had Kava consumption as part of their culture, came to Arnhem Land and shared this practice with the people with whom they worked and lived. Due to the South Pacific connection, groups of Yolngu elders have since been to a few South Pacific nations to learn about the whole cultural and social circumstance of kava in its originating culture. In these remote Aboriginal communities that learned about and used kava, it became a socially acceptable alternative to grog, which leads to unwanted outcomes. People in these communities are happy enough to have prohibition of alcohol as long as they can access the kava alternative.

Kava holds a special meaning with Yolngu people. As kava has come into the Yolngu world through a direct connection with Polynesians, there is a feeling in the Yolngu community that this kava business has something culturally going on between themselves and Polynesian culture and are a little perplexed at the white fella (or 'balanda') intrusion into what is seen as their business. I called this article 'kava is my brother?' because in the Yolngu cosmology, all things fit into a set of categories or sets of categories; a bit like a combination of yin and yang and the zodiac signs maybe – called moiety and malk (or 'skin'). Well actually skins are not that much like star signs, but if we start with those cultural similes we might be able to get to the Yolngu ones...

Basically in the universe everything is either Dhuwa or Yirritja, which is fairly similar to yin and yang; that's not too hard is it? So that's landforms, country, people, plants, animals, stories, ceremony – you name it. Now Aboriginal culture is dynamic and incorporates new stuff of significance like cars and electricity etc and some stuff actually gets 'skin' because it gets some ceremony, knowledge and other stuff attached to it. Kava has skin, same skin as the one I have – Bangardi and in a way it sort of makes us brothers along with another 16th of existence (as there are 8 male and 8 female skins)

Generally, the perception in the Yolngu community is that the whitefella government is blundering into an area where it has little knowledge and acting in ignorance, unconcerned for the negative effects its decision will have on the lives of people.

## Kava, money, and wet canteens

The sale of kava and alcohol have widespread economic and social effects, quite different from each other. Federal Government revenue from alcohol sales is a large proportion of the price of alcohol, and it, like gambling revenue to governments, present a clear danger of conflict of interest in Government decisions about the enforced sales or enforced restrictions on sales of alcohol.

Kava sales are highly regulated. In order to buy kava one needs to become a member of a club and hold a photograph ID card with a unique number, only persons over 18 yrs are permitted to join. Once this is done you are able to purchase 6 x 100 gram bags of kava a week (maximum) or 2 bags per day maximum. A 100g bag of kava has been described to me by Yolngu as like a 6 pack of mids or lights – if you drank it all to yourself you get a bit out of it, but as it is usually shared between at least a few others the effects are less.

Kava revenue, unlike alcohol revenue, is controlled by a local council of Yolngu who have been distributing funds to projects as common sense and diverse as community recreation facilities and meeting halls, healthy take-away food outlets and youth music programs and sporting facilities. This is in stark contrast to the kind of assistance programs the Federal Government gives to the Yolngu communities which revolve around market-based job creation (and penalties for not finding work) in areas where there aint no market to create jobs.

Assistance from government often resembles something locals call 'fiffo' ('Fly in Fly out') where costly consultants (who coincidentally are friends of the politicians making this happen) fly in and attempt to deal with people from a culture they do not understand, apply their own twisted version of judgmental market-based morality; get frustrated and horrified; proceed to blame the victims, and then fly out. All of which soaks up countless millions of the 'Aboriginal' money the government says it spends – what a joke.

So kava is out now, with no evidence that kava causes any of the abuses about which the government is so 'concerned'. To replace it we shall now have new wet canteens in communities. Alcohol is clearly linked by evidence to all the abuse problems the govt says it is responding to. The wet canteen grog revenue will go to the Federal Government to choose how to spend, and the nearest thing to fiscal autonomy these communities have had to address their needs has been terminated.

The other main effect of banning legitimate and tightly controlled kava sales in Yolngu communities is a reversion to black market kava, which comes across from Queensland where it is an uncontrolled substance, and the kava runners may indeed decide on the grounds of market forces and profitability to run grog, marijuana, x-rated pornography etc. Speaking with long term staff of the food and grocery outlets in these communities there was a 50 – 100% increase in the sales of food once the legitimate, rationed kava business came into being. All this was achieved by self determination, and without the proposed 'quarantining' of welfare payments. There's a saying that fighting for peace is like fucking for chastity – well I think this kind of thought process must be guiding Mal and Johnny as what they are doing is likely to make things worse in the Yolngu communities.

A word on wet canteens, I have seen a few at different communities in the NT and in communities that have them the Club holds an insidious thrall over the drinkers in town and through this relationship a disturbingly powerful position socially, financially and politically in the community as a whole. These businesses are often set up with only notional concessions to the desires of locals, often being run as businesses in their own right rather than as a community owned, managed and operated venture. This means that decisions made by operators and managers of the clubs are focussed on the wellbeing of the club, not necessarily the community. Imagine upsetting a person in the community who has the power to ban you or whoever else you may associate with from the club or club facilities. If you are unhappy about things an effective way of controlling the population is restricting arbitrarily your access rights to club facilities. Hmm, sounds very much like a good way to make sure that there isn't even a single ray of hope for the future in the whole community. ☹



## "Law and Order" in the NT

So, Mr Howard, not much can be done to educate and attend to the health of the children "until law and order is established" in the NT? One thing that has been proven up here is that a sturdy dose of "law and order" fails to protect Aboriginal people. At the moment approximately one in every 25 Aboriginal males aged 15 to 50 is behind bars. A longstanding combination of the highest number of police in Australia (per-capita), stern mandatory sentencing laws (inclusive of 70% non-parole periods for rape), and judges and magistrates who have not shirked the task of handing out sentences designed to effect "general deterrence" has resulted in a per-capita imprisonment rate that forever hovers around 3 to 4 times the national average. The record shows that as the number of people in NT prisons rise (80% of whom are black) the violent and sex crime rates rise.

In my nearly 20 years as an Aboriginal legal aid lawyer up here, I can tell you most offenders are so often imprisoned that they are blasé about it. Prison in the NT is an alternative Aboriginal society. Plonking dozens more police officers up here and building more police stations and prison cells will not solve the problems (and might I say the most pressing problem at the moment up here is the shocking number of killings). The recent report shows the way - a mixture of reforms inclusive of properly supported Aboriginal-led community justice organizations - and damned if I will be silenced by Mr Howard's "if you not with me you are jeopardizing the kids" message. I am not with you Mr Howard because you are wrong. Reforms are underway in the NT (major changes to liquor laws on Groote Eylandt for example). The NT Government commissioned this report. NT police, prosecutors, social workers, health workers and teachers have been vigilant out on the communities. We need more resources for the preventative programs that are under or never funded, not resources poured into the agencies that mop up after the crimes are committed. ☹

## Our Racist Constitution SUX

The Commonwealth Constitution gives power to the federal govt to make laws "with respect to the people of any race for whom it is deemed necessary to make special laws" (s51 xxvi). The famous 1967 referendum removed the words, which used to follow the current words, which said "...except the aboriginal people in any state", so that means that now the federal govt is allowed to make laws which only apply to Aboriginal people.

In 1998 there was a High Court case, known as the Hindmarsh Island Bridge case. The High Court held valid a law which negatively discriminates against Aboriginal people. The case was a challenge to the validity to a state law which was introduced specially to remove Aboriginal rights to heritage protection. The law was absolutely non-beneficial to Aboriginal rights and interests. The Court held that it was valid under the races power provisions in the constitution to enact this law.

This means that the federal government's races power is not restricted to use which is beneficial to the racial group legislated for. And that's just wrong. We do not want to live in a country which has a specific head of power to negatively racially discriminate and remove the rights of a racial group. The racist drafting of the constitution reflects the prejudices of the days when it was drafted, before the introduction of the white Australia policy. The races power as amended today, applicable to Aboriginal people, is also racist because of the interpretation of the constitution which does not restrict it to beneficial laws.

Our racist constitution SUX - change it NOW!

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## Save CDEP

On 23 July 2007, Mal Brough MP, Minister for Families, Community Services and Indigenous Affairs, and Joe Hockey MP, Minister for Employment and Workplace Relations, announced that the Community Development Employment Projects (CDEP) program in the Northern Territory will be terminated. They claimed that real jobs, training and mainstream employment programs would take its place. 2000 jobs would be created, whilst the rest of the current 6400 workers will be put onto "income support". They will be forced to participate in Work for the Dole and other job seeker, mutual obligation tasks. This is supposedly a part of the Federal Government's 'response' to child abuse in Indigenous communities as it allows the Government to quarantine dole payments, and "will reduce the flow of cash going to drug and alcohol abuse" <sup>1</sup> What they mean is actually a reduction in the flow of cash, which will lead to greater poverty. What is the research that supports their hypothesis?

The "real jobs" which are promised seem only to exist in the provision of Federal and Northern Territory Government services - many of which are currently CDEP jobs. This appears to be the only big job creation strategy

The strategy planned to impose this new regime is frightening. The first step is to establish Work for the Dole places (with non-profit community organisations) for tasks such as "landscaping, cleaning up, preparing food or helping teachers". New activities can be developed if they assist with the emergency response. The communication with the CDEP workers to let them know that they are losing their work and being moved to 'the dole' is to work with the CDEP providers and to send "a letter setting out the specific details" to each of the workers. For them, payments will be dole payments assessed on the basis of family and circumstances, and they may be allowed a small "transition payment" (no doubt to assist them in preparing to be poor). This payment will however be subject to quarantining like other welfare payments. Providers/employers are faced with being the messenger and are obliged to "support... participants to prepare for ... employment support or make the transition to ... income support." <sup>2</sup> Current PFAs (Program Funding Agreement) will be renewed until they can work out the plan and implement it.

Instead of the CDEP, there will a forced participation in the Work for the Dole scheme and there will also be STEP brokers. A STEP broker is someone who has a business and a contract funded by the Federal Government to provide services which get people into the 'real' jobs referred to above. The STEP broker is on a contract which pays for placing people into jobs. Without very strict accountability, good policy and processes, this kind of contract can often lead to unethical behaviour, for example misleading people about things like work conditions and entitlements. This is especially so under the new 'Workchoices' laws and the take it or don't get your allowance mix that exists under the Government's mutual obligations policies.

There is a lot of talk about "real jobs" and mainstream employment programs. However, there are no examples of these except for Govt jobs, which makes sense, but it does mean that the pitch of the 'plan' was somewhat misleading.

Since the inception of CDEP there have been thousands of approved CDEP programs which have given thousands of Indigenous people, organisations and communities tangible benefits.

In contrast, Work for the Dole is less effective in getting people employed than subsidising full-time employment say for a minimum of six months. The Work for the Dole scheme has teeth, as failure to participate leads to people being 'breached'. An interesting question is to what extent a 'breach' under the proposed scheme could operate when the welfare payments have already been quarantined?

The removal of CDEP shows that the Government does not intend to help build stronger Aboriginal communities and individuals. There is no way that this could help stop child abuse or family violence, whereas having people employed in CDEP jobs has helped. The social benefits of employment are many, and they include, significantly, the strength that is drawn from having regularity of employment and responsibility - having some useful work to do is a good reason to get up in the morning. When you have a



job you get more respect. You are happier and calmer. You also get paid money. That means that you can make decisions about your life. Each of these benefits adds to the sense of wellbeing and personal strength that is needed to stop victimisation and abuse. Abusers do not abuse because they are happy, they abuse because they are disempowered, angry and unhappy. Removing CDEP and enforcing poverty as the govt aims to do, will not stop abuse, it will increase the disempowerment and disadvantage which is the source of many problems. Family violence depends and thrives on stress and unhappiness, the whole intervention is bad because it does not recognise this and will have the effect of increasing stress in Aboriginal communities in the NT. Ø

#### notes

1 Mal Brough and Joe Hockey's press release, 23 July 2007 "Jobs and training for Indigenous people in NT"

2 Ministers q and a doc pg 4

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## Concerns about the Howard Government's NT Intervention

### The problem of child abuse

The problems currently being recognised by the Federal Government are real problems, but the method is a ghastly precedent. Child abuse happens everywhere, in every suburb of Australia. Does the Federal Government's targeting of Indigenous communities reveal something more about how the Federal Government thinks about Aboriginal people and culture, and how the Government intends to interact with them? Specifically, would the Government even entertain the idea of doing this in mainstream towns and suburbs? The only reason they can get away with such an authoritarian idea is that it applies only to Indigenous people. I have two children under 16 and I live in the NT. Will the Army and Federal police cordon off my suburb and forcibly conduct medical inspections of my children? Will they confiscate any alcohol in my possession and detain me under human rights-infringing terrorist legislation if I object? Numerous reports have identified in detail the problems which the Federal Government's knee jerk reaction is supposedly to address. The interesting thing is that one of these in 1999<sup>1</sup> included an action plan which the Federal Government (as well as the Queensland Government) failed to fund<sup>2</sup>. In combination with a real reduction of services to these communities resulting from the abolition of ATSIC, this has actually exacerbated the same problems which the Government is now so 'concerned' about. The depth of the political hypocrisy and opportunism is quite breathtaking.

### The lack of communication and consultation

The people who are most affected (out bush) have not been consulted on how best to tackle the child abuse problem. They are now beginning to find out from the radio, but still no explanation has been made and there is no understanding in the communities of why this is happening to them. People are asking, is the Federal Government doing this to everyone in Australia or just to us? Why are they doing it? People in communities are sceptical about the Government's sudden concern about child abuse because it has been a big issue for a long time and the Government didn't seem to care and failed to spend money to fund the reports and plans which were developed. In fact in the past Governments talked about child welfare and abuse whilst stealing generations of Aboriginal children.

### What is the purpose of making Land Rights Act amendments?

Mal Brough and the push for amendments to the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) are of serious concern. The amendments are the same that the Liberal Federal Government has been pushing for for many years. There is nothing specific to deal with child abuse in the proposed land rights amendments, and Brough is transparent about his main aim, which is opening up communities and land for

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1 Aboriginal and Torres Strait Islander Women's Task Force on Violence Report, available at <http://www.datsip.qld.gov.au/pdf/taskforce.pdf>

2 See also ATSIC Family Violence Action Plan 2003, available at [http://pandora.nla.gov.au/pan/41033/20060106-0000/ATSIC/Publications/Online\\_Publications\\_Alphabetical/Docs/family\\_violence\\_action\\_plan.pdf](http://pandora.nla.gov.au/pan/41033/20060106-0000/ATSIC/Publications/Online_Publications_Alphabetical/Docs/family_violence_action_plan.pdf)

mining companies and other non-consensual developments. Interestingly Brough's comments on 4 July 2007 about communities being 'awash with alcohol' are disingenuous in the extreme. The communities which suffer most from alcohol are those adjacent to mining ventures (ie Nhulunbuy and Jabiru) and the alcohol outlets which have been and are continually opposed by traditional owners and community members. Amendments to the ALRA will make mining and other development easy without consulting or compensating traditional owners. There are other issues with the ALRA changes, some which show that such changes will be directly unhelpful in dealing with child abuse problems. The amendments will allow anybody to get into Aboriginal land on main roads, possibly even allowing outsider sexual predators, drug and grog runners into these communities. The permit system excludes these persons, as they have to have a lawful valid reason to enter. Indeed, anyone with a lawful valid reason to enter Aboriginal land may do so after successfully seeking a permit – a point which Mal(evolant) Brough does not mention.

### Why rescind leases for town camps only?

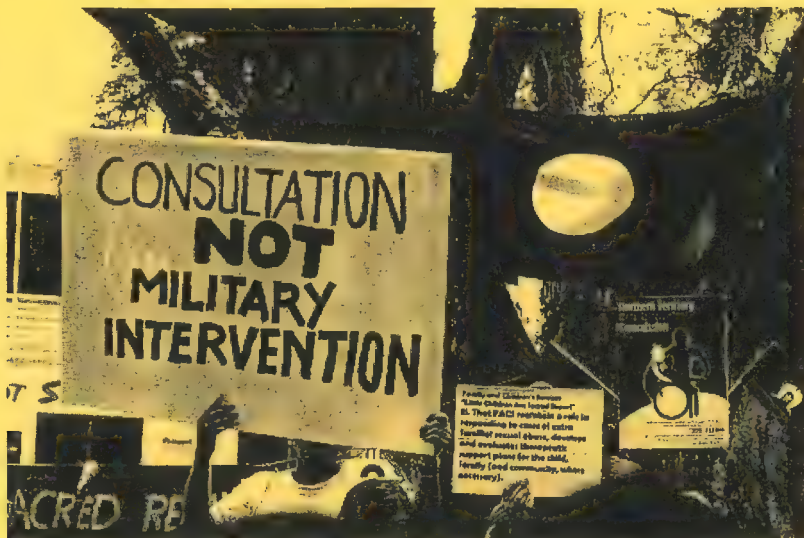
It appears suspicious that the town camps are being targeted, because the real estate values of such areas are very high, being in the urban environments of Alice Springs and Darwin. Usually, before new parcels of land are released to the wider community, extensive consultation and compensation has to take place. If leases are rescinded it will be much easier to take over and capitalise on Aboriginal land, without consultation.

### Howard's comment on "constitutional niceties"

"It is interventionist, it does push aside the role of the territory to some degree - I accept that. But what matters more, the constitutional niceties or the care and protection of young children?"

John Howard 22 June 2007

"Constitutional niceties" are what protects us from having a government which governs through an authoritarian arbitrary regime. Procedures and rules are what protect the powerless from the potentially corrupt and the powerful. Removing the rule of law (constitution is law as far as I know) means that the Government may act without regard to the law, even though as we have seen recently, it is easy for a government, Federal or Territory, with a majority to amend laws it dislikes for example, NT MacArthur River mine – the Supreme Court ruling declared it to be invalid; but the next day saw the NT Government sitting to pass a new law to legalise it.) Constitutional protections are there for good reason and should not be overruled by Howard declaring a self-manufactured 'national emergency'. Ø





# Freestylin' on the Racist Intervention

## Welfare quarantining

What is the practicality of this welfare quarantining proposal? And if the desired effects are successful – for example increased enrolments and attendance at school; greater use of health care facilities, increased police numbers; expanded work for the dole on community welfare projects, what are the consequent outcomes?

## Housing and infrastructure

Each teacher, nurse, work for the dole coordinator or police officer needs a place to live and a place to work. Currently these are non-existent, with housing, health, public order and infrastructure suffering from a chronic history of under-resourcing and investment. If school attendances double, twice as many teachers and classrooms will be needed. There have been no commitments to support this, indeed the federal govt is on record as stating that it is happy to legislate that its policies are compulsory for the Northern Territory government but does not provide the means financially to go through with them as they consider the funding given as adequate – are they?

## Howard govt attitudes and the intervention's prospects

An intricate and brutal farce, an evil game of political football where the lives of the most poverty stricken citizens are used as the playthings of policy, with the justification being that peoples lives are so obscene already it's OK to add on the extra obscenity of paramilitary and military regimentation and continually being set up to fail by pie-in-the-sky politically motivated programs which consistently fail to work in the real world of remote Indigenous Australia. Then you can also have the added insult of being blamed for why things don't work the way whitey wants them to.

Big brother will have to work overtime to make the Brough/Howard plan a reality. Information collected on attendance at school will have to be linked to payment details of welfare recipients and police records and actually identifying who is caring for whom in the flow of relatives from residence to residence and community to community is going to be a monumental task.

What next? Welfare payments linked to fortnightly house inspections? Where are the staff to do that? What a message it sends to the residents of these communities, we won't give you any more money, health centres, etc but you can have plenty of concentration camp guards to whip you into shape, and people wonder why Indigenous Australians distrust governments.

Anyway, the infrastructure to collect and process the information to effect any quarantining does not exist and as yet there are no plans to establish it. Teachers, nurses, police etc already operate under a code which requires them to inform if abuse is suspected. So if the cross linking of all the information on residents in these communities goes ahead it sets a precedent establishing the framework for a surveillance based police state for discrete communities of welfare recipients in remote areas. Lessons learned from this social experiment can be applied in other areas, possibly coming to your town within a generation - paranoid? Maybe, but with the new strength of the Federal Government's corporation powers as tested through the WorkChoices legislation and the extra financial clout the GST has given the feds, all the ingredients are there for a very controlled society indeed. Added to this that the High Court Hindmarsh Island decision has technically given the Federal Government the right to negatively discriminate against any racial group it so chooses. But don't be too bleak about it all, power rests with everyone in a democracy and if enough people get upset enough about the state of things and actually do something about it things can change. Or at least that is my optimistic view.

There have been three census results processed during the Howard administration (1996, 2001 and 2006); each one showing in minute detail the exact level of disadvantage, ill health, poverty and lack of education present throughout Indigenous Australia. For example, just in the NT the cost of required new Indigenous housing and repairs is in the region of \$1.5 Billion. Sorry, but that state of affairs does not happen overnight or even in a decade - it takes systematic neglect over generations to create that kind of problem. Howard cannot plead ignorance and say this an extraordinary problem requiring extraordinary solutions, the whole thing is a by-product of

wastefulness and neglect. All experts on health, education, poverty and child abuse agree that the state of housing is one of the most important factors in family behaviour and that if you have 15-30 people in a three-bedroom house with one toilet (which may be broken) it causes problems.

One could easily draw the conclusion that in the early years of the Howard govt when he removed reconciliation from the political agenda and spoke of his concerns for 'practical reconciliation' with housing, education, health, employment, law and order as the real measures of reconciliation. Maybe that's why the Labor party was happy to make a treaty and say sorry - they knew they could never afford to actually fix the practical problems so they were happy to

try to fix the symbolic ones. Anyway, here we are over a decade down the path of Howard style 'practical reconciliation' and things are by all measures worse than they were before he took over. Don't need to be that smart to see that practical reconciliation means practically nothing. But let's get real, there's an election in the wings. The Howard govt is behind in the polls. In previous similar situations Howard has not shied away from using the race/xenophobia card and has been handsomely rewarded by a tacitly (though sometimes vocal) racist middle Australia. I'm sure, looking at the election and the race issue in this intervention, that you can put two and two together, and they don't make \$1.5 Billion, they make another election ploy. ☹

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## An Ocker Holocaust?

### A gonzo style lefty rant for your information and entertainment

#### John Howard and Mal Brough, Kicking Blackfellas and the Last Days of the 3<sup>rd</sup> Reich

*(cue Wagnerian theme music)*

In my take on what is happening with the Howard government's 'intervention' in Aboriginal communities following the report into the sexual abuse of children in remote communities, there are a few startling inconsistencies, ideological bugbears, plain dumb thinking and whole lot of trying to pull a swiftie on the most disadvantaged group of Oz citizens.

I sometimes have a tenuous grip on reality and all sorts of metaphors and similes occur to me. The one that dances foremost in the footlights of the mind stage presently is that Howard and co have finally woken up to the fact that they are seriously on the nose in the electorate. And, well let me tell a little story...

The Nazis in WW2 became drunk with their own power to the point that they considered an attack on Russia and its conquest a doable proposition (lessons from history - Don't). So they went ahead with it and they started losing the war as reality did not agree with their ideologically warped view of the world. Beware, beware - do not fall for your own rhetoric.

Then as they realised that they weren't on track to dominate the world anymore the nastiest

aspect of the regime comes in and says 'well if we aint gonna win the war we should at least get rid of all Jews, gypsies, lefties and gays' - so industrial scale murder factories were built and kept running at full capacity during a time when those in power knew they couldn't eventually win. Yeah basically the holocaust went into overdrive when the Nazis saw they no longer had the public on their side, that they weren't going to hang on to power, they thought they may as well exterminate the scapegoats.

I feel Howard and co are in a similar predicament but with more of a hint of political desperation and voter disinterest to contend with. In essence they feel they are about to lose power and they haven't kicked blackfellas nearly hard enough (according to them) during the decade plus of rightwing middleclass mediocrity which has been sadly inflicted upon our lovely nation.

No, it's not enough to dismantle ATSIC, cut funding to Indigenous people and organisations and marginalise people, demonise them in the media and let them rot in urban slums or the outback as there's no votes in it. Hey let's play the race card as we're looking like we could lose the election. Let's use our senate majority to change the Aboriginal Land Rights Act for the good of the fatherland and race purity; oh sorry I



mean market forces and free enterprise – which we firmly believe are the right answer to every problem.

I am most worried by the appointment of Reeves QC to the 'taskforce' who is known to have an agenda of removing the need for a permit to enter Aboriginal lands. This outrageous stance has already been rejected by a Senate committee into the issue. No reasonable person can see a link between child abuse and land rights. Why not appoint either of the two authors of the effing report? Probably as they are unknown quantities and may make embarrassing (to the Liberal party) conclusions. 'Let's put a stooge in the job who we know will do what we want' say evil henchman Brough and his master - the malignant dwarf.

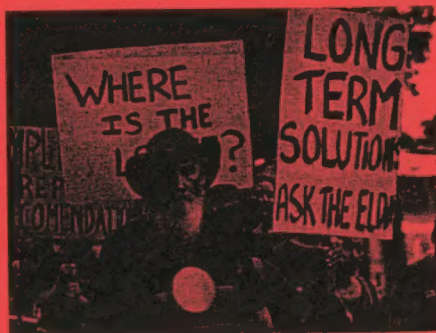
All of this from a political party which is fairly transparent in its approach and attitude. Namely the refusal to say sorry for past atrocities inflicted upon Indigenous people by various forms of Australian government and their lauding of controversial 'historian' Keith Windschuttle, a denier of Australian Indigenous holocaust. A man who couldn't research his way out of a wet paper bag and conveniently ignores major historical works which conflict with his jaundiced view of reality. If Windschuttle was writing about Nazis and Jews in WW2 the way he writes about Indigenous Australia he would be considered a criminal in most European countries. 'No, that's just fine me old mate' says rotten Johnny, 'you're the fella here with the closest thing to an intellect and by the way would you like a position on the board of the ABC to keep those rabid pinkos in line??'

Sadly the realpolitik of the situation is that Indigenous issues are marginal - the Indigenous population influences only a few seats federally and it's other more ugg boot style suburban middleclass comfort issues what will probably decide the election.

Yeah, yeah and isn't it just all too obvious that rotten Johnny wants us all to go back to the '50s with his neo conservatism. Yes just like as in Korea and Vietnam we leap to assist the USA in Iraq - what a colossal lie and fuck up that is turning out to be. But part of that '50s ethos is that it is prior to the '67 referendum on Indigenous citizenship. The lying rodent and his mal(evolent) offside, it's a bit like the

Frankenstein and Igor show really. You can see the dim-witted Brough going 'yes master' to the racist rantings of the evil dwarf. 'Yes master, let's paint them all as child-abusing welfare cheats, steal their land and get it done with before we lose power' along to maniacal cackles, lighting storms whilst (Tran)sylvania waters middle Australia falls into racist goose-step as long as their property prices and superannuation plans, tax cuts and litany of bribery from govt are continued. 'Yes let's effectively remove citizenship rights from Aboriginal people in remote communities' says Rodent Johnny, 'yes let's gut the Land Rights act, that will make it all the more easier to set up mining and resort style developments without consent on Aboriginal land. Who do they think they are? Landowners or something?' No, no never consider them as real people with real emotions, families or something – 'they never vote for us anyway so bugger them!'

Oh how can we continue to bear this inhuman dearth of noble natures? Not that Krudd is perceivably much better, oh god the machinations of power, the rum corp still run Australia and with all of them inbred microcephalics is it any wonder the nation is in the state it's in? I mean I could handle a benevolent dictatorship (maybe) but this myopic quasi mercenary oligarchy shite which passes for movers and shakers in this country is so vile and venal they need a bullet to put em out of their (and our) misery, no no much better they should be re-educated almost Pol-Pot style...they get to live in remote outback communities with fucked housing, shite food, malignant paternalism, woeful services and education opportunities and let's see how they do after a couple of hundred years of that treatment.... ☹



ALWAYS WAS,

ALWAYS WILL BE

